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Subject: AFFF MDL - request for conference with Court
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Matt, Grant, and Kendall,

I write on behalf of the defense co-leads to request a conference with the Court to seek guidance regarding the personal injury cases. On May 13, 2025, the Court held a conference call with the parties during a mediation session for these cases, and defendants' request is a follow-up to that call. In that conference, the Court expressed concern about the apparent volume of unfiled cases. In recent weeks, the issue has accelerated, and the defense co-leads have been made aware that there are tens of thousands of unfiled claims involving the six medical conditions the PEC is pursuing (vastly more than when the Court spoke with the parties on May 13). The number of these unfiled claims now dwarfs the number of personal injury cases that are actually filed in the MDL, and it continues to grow, at a rapid pace. The defense co-leads believe that the massive number of unfiled claims raises significant issues regarding case management, scheduling, and the bellwether process relating to personal injury cases. Therefore, we seek the Court's guidance on those issues. The parties' next mediation session with Judge Phillips is set for July 25, 2025, and the defense co-leads suggest a phone conference before that date, if possible, given the time pressures of the current schedule. We informed the plaintiffs' co-leads that we would be making this request, and we copy them here. We thank the Court for its consideration.

Joe

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